

REMARKS

Reconsideration of the present application is respectfully requested. With entry of the amendments made herein, claims 1-4 will be pending in this application. Claim 1 is amended herein. Support for the amendments can be found, for example, at page 7 of the present specification, and in Figures 1, 5, 6, and 7.

To address the objection to the specification under 35 U.S.C. § 112 paragraph 1, a substitute specification and marked reproduction of same, which shows the numerous amendments made in the substitute specification, are submitted herewith. The objectionable matters specifically identified in the Office Action are addressed in the substitute specification, and additional revisions have been made in order to provide a more clear and concise expression of the disclosed subject matter. Support for the amendments can be found in the original specification and in the accompanying figures. No new matter has been added to the application.

Claims 1-4 are rejected under 35 U.S.C. § 112 paragraph 2. As amended, claim 1 is believed to overcome this rejection.

Claims 1-3 are rejected under 35 U.S.C. § 102 (b) as anticipated by Ouyang et al., U.S. Patent No. 7,195,134 (“Ouyang”). Claim 4 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Ouyang.

For the record, Ouyang U.S. Patent No. 7,195,134, published March 27, 2007, is not a publication on which a Section 102 (b) rejection of the present application can be based. This is because the present application has a U.S. filing date of August 10, 2006. In any event, Applicants respectfully submit that the rejections based on Ouyang are overcome for the following reasons.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Ouyang does not anticipate claims 1-3. The present claims recite, among other components, an outer sleeve, an upper sleeve, and a pushing body provided with a fitting piece. These components cooperate to provide for movement of the fitting piece, as the fitting piece is rotated as the fitting piece moves between the upper and lower insertion intervals provided between the upper and lower receiving blades, respectively, which movement corresponds to the number of injections of aerosol content per a predetermined injection cycle.

It appears that Ouyang's cylindrical portion 2, support 146, and short downward protrusions upon drum 144 are regarded as corresponding respectively to the outer sleeve, the upper sleeve, and the fitting piece recited in the present claims. However, this comparison does not hold up under scrutiny. Drum 144 is not moveable up and down within the cylinder body. Thus, drum 144 of Ouyang

does not have the structural attributes of the pushing body, as it does not slide up and down. Further, it is apparent that the device of Ouyang does not have any component that corresponds to the upper receiving blades formed on the upper sleeve and lower receiving blades formed on the outer sleeve, nor does it have the corresponding function, whereby the “upper receiving blades [extend] downward from the upper sleeve for [engaging with the fitting piece and] rotating the pushing body in the same direction...effected by the engagement [of the fitting piece] with the lower receiving blades, said rotational movement of the pushing body being defined by slidably engaging a top of the fitting piece with a respective upper receiving blade”. Nor does Ouyang disclose a device which operates such that “upon engagement of the fitting piece with the tapered lower surface of the respective upper receiving blade, the fitting piece is thereafter located within a respective next upper insertion interval”.

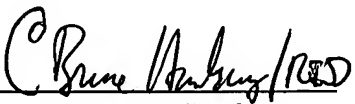
Accordingly, it is submitted that the anticipation rejection of claims 1-3 based on Ouyang is traversed. Likewise, since claim 4 depends from claim 1 through claim 2, for the reasons set forth above, the section 103 rejection of claim 4 is traversed.

NO FEE DUE

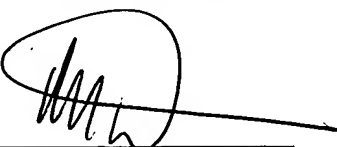
No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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Enc.: Substitute Specification and Marked Specification